

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chairman Dennis Himmelberger, on March 5, 2009 at 9:01 A.M., in Room 455 Capitol

ROLL CALL

Members Present:

Rep. Dennis Himmelberger, Chairman (R)
Rep. Sue Dickenson, Vice Chairman (D)
Rep. Jesse O'Hara, Vice Chairman (R)
Rep. Russell Bean (R)
Rep. Joel Boniek (R)
Rep. Frosty Boss Ribs (D)
Rep. Dee Brown (R)
Rep. Mary Caferro (D)
Rep. Betsy Hands (D)
Rep. Gordon R. Hendrick (R)
Rep. Pat Ingraham (R)
Rep. Gary MacLaren (R)
Rep. Sue Malek (D)
Rep. Mike Phillips (D)
Rep. Kendall Van Dyk (D)
Rep. Ted Washburn (R)
Rep. Franke Wilmer (D)

Members Excused: None

Members Absent: Rep. Tony Belcourt (D)

Staff Present: Sheri Heffelfinger, Legislative Branch
Marshall McEwen, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 49, SB 299, 2/25/2009

Executive Action: HB 393, SB 170, SB 240, SB 155,
HB 421, HB 590

HEARING ON SB 299

Opening Statement by Sponsor:

00:02:25 Sen. Joseph (Joe) Tropila (D), SD 13, opened the hearing on SB 299, Training and record keeping for notary public.

Proponents' Testimony:

00:04:33 Linda McCulloch, Montana Secretary of State

[EXHIBIT](#)(sth49a01)

00:09:56 Timothy Reiniger, Executive Director, National Notary Association

00:17:43 Belinda Fargher, Executive Director, Montana Notary Association

00:19:11 Linda Stoll, Montana Association of Clerks and Recorders

Opponents' Testimony:

00:19:56 Bruce Spencer, Montana Automobile Dealers Association

00:24:38 Rep. Phillips and Rep. Wilmer exited the room.

00:27:35 William Gowen, Montana Land Title Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:31:21 Rep. Hands

00:31:50 Mr. Stoll

00:33:55 Rep. Hands

00:34:39 Ms. Fargher

00:38:07 Rep. Ingraham

00:38:32 Ms. Fargher

00:39:19 Rep. Ingraham

00:39:45 Ms. McCulloch

00:41:13 Rep. Bean

00:42:16 Ms. McCulloch

00:42:39 Rep. Bean

00:42:45 Rep. O'Hara

00:43:11 Ms. McCulloch

00:43:58 Rep. Dickenson
00:45:20 Ms. McCulloch
00:46:30 Rep. Boniek
00:46:56 Mr. Spencer
00:48:02 Rep. Caferro
00:48:48 Mr. Reiniger
00:49:44 Rep. Caferro
00:50:16 Mr. Spencer
00:50:27 Rep. Ingraham
00:51:29 Ms. McCulloch
00:52:33 Rep. MacLaren
00:52:50 Mr. Reiniger
00:53:00 Rep. MacLaren
00:53:05 Mr. Reiniger
00:53:16 Rep. MacLaren
00:53:28 Mr. Reiniger
00:54:32 Rep. MacLaren
00:54:36 Mr. Reiniger
00:55:04 Chairman Himmelberger

Closing by Sponsor:

00:55:08 Sen. Tropila
00:55:58 Chairman Himmelberger

HEARING ON SB 49

Opening Statement by Sponsor:

00:56:41 Sen. David Wanzonried (D), SD 49, opened the hearing on SB 49, Energy efficiency standards for construction of state buildings.

Proponents' Testimony:

01:01:25 Ellen Simpson, Montana Wood Products Association
01:05:22 Jason Todhunter, Montana Logging Association
01:06:05 Matt Leow, Northern Plains Resource Council

EXHIBIT(sth49a02)

01:09:22 Maureen Weiland, Associated Students of Montana State University

Opponents' Testimony: None

Informational Testimony:

01:10:13 Jim Whaley, Architecture and Engineering Division, State of Montana
01:10:43 Lou Moore, Department of Environment Quality

01:12:47 Joe Lamson, Deputy Director, Department of Naturel
Resources

Questions from Committee Members and Responses:

01:14:10 Rep. Brown
01:14:42 Mr. Whaley
01:15:12 Rep. Brown
01:16:06 Sen. Wanzenried
01:16:30 Chairman Himmelberger

Closing by Sponsor:

01:16:41 Sen. Wanzenried
EXHIBIT(sth49a03)
01:18:16 Chairman Himmelberger
01:18:24 Sen. Wanzenried
01:18:34 Chairman Himmelberger

01:19:01 Rep. Van Dyk
01:20:24 Chairman Himmelberger
01:20:33 Rep. Phillips
01:21:14 Chairman Himmelberger

01:21:24 Committee recesses.
01:47:23 Committee reconvenes.

EXECUTIVE ACTION ON HB 393

01:47:32 **Motion:** Rep. O'Hara moved that **HB 393 DO PASS.**

Discussion:

01:47:36 Chairman Himmelberger

01:47:41 **Substitute Motion/Vote:** Rep. O'Hara made a substitute
motion that **HB 393 BE TABLED.** Substitute motion carried
unanimously by voice vote. Rep. Belcourt voted by
proxy.

01:48:33 Chairman Himmelberger

EXECUTIVE ACTION ON SB 170

01:48:42 **Motion:** Rep. Ingraham moved that **SB 170 BE CONCURRED
IN.**

Discussion:

01:48:46 Chairman Himmelberger
01:48:55 Rep. Ingraham
01:49:33 Chairman Himmelberger

01:49:37 **Motion:** Rep. Brown moved that **SB 170 BE AMENDED.**
EXHIBIT (sth49a04)

Discussion:

01:49:59 Chairman Himmelberger
01:50:12 Rep. Brown
01:50:37 Rep. Wilmer
01:51:05 Rep. Malek
01:51:20 Rep. Brown
01:51:50 Chairman Himmelberger
01:52:01 Ms. Heffelfinger, Legislative Services Division
01:53:42 Rep. Phillips
01:53:46 Chairman Himmelberger
01:53:51 Rep. Wilmer

01:54:23 **Vote:** Motion carried unanimously by voice vote. Rep.
Belcourt voted by proxy.

01:54:58 Chairman Himmelberger

01:55:04 **Motion/Vote:** Rep. Brown moved that **SB 170 BE CONCURRED**
IN AS AMENDED. Motion carried unanimously by voice
vote. Rep. Belcourt voted by proxy. Rep. MacLaren will
carry the bill in the House.

01:55:34 Chairman Himmelberger

EXECUTIVE ACTION ON SB 240

01:55:55 **Motion:** Rep. Ingraham moved that **SB 240 BE CONCURRED**
IN.

Discussion:

01:56:06 Rep. Ingraham
01:56:36 Rep. Dickenson
01:57:35 Rep. Brown
01:57:37 Rep. Wilmer exited the room.

01:58:38 **Vote:** Motion failed 9-9 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep. Washburn voting aye. Rep. Belcourt and Rep. Wilmer voted by proxy.

01:58:55 Rep. Wilmer entered the room.

01:59:57 **Motion/Vote:** Rep. Ingraham moved that **SB 240 BE TABLED**. Motion carried 13-4 by voice vote with Rep. Boniek, Rep. Brown, Rep. Hendrick, and Rep. Himmelberger voting no. Rep. Belcourt's vote was not recorded.

02:00:40 Rep. Phillips

02:00:54 Rep. Van Dyk

02:01:28 Chairman Himmelberger

EXECUTIVE ACTION ON SB 155

02:02:01 **Motion:** Rep. Ingraham moved that **SB 155 BE CONCURRED IN**.

Discussion:

02:02:09 Chairman Himmelberger

02:02:15 Rep. Ingraham

02:03:16 Rep. Boniek

02:03:41 Chairman Himmelberger

02:04:17 Rep. Ingraham

02:04:59 Chairman Himmelberger

02:05:12 Rep. Ingraham

02:06:26 Chairman Himmelberger

02:06:34 Rep. Ingraham

02:07:55 **Vote:** Motion carried 12-6 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, and Rep. Washburn voting no. Rep. Belcourt voted by proxy. Rep. Ingraham will carry the bill in the House.

02:09:03 Chairman Himmelberger

EXECUTIVE ACTION ON HB 421

02:09:21 **Motion:** Rep. Brown moved that **HB 421 DO PASS**.

Discussion:

02:09:26 Chairman Himmelberger

02:09:38 Rep. Bean
02:10:09 Rep. Phillips
02:11:17 Chairman Himmelberger
02:11:22 Rep. Phillips
02:12:10 Rep. Bean
02:12:19 Rep. Hendrick
02:12:37 Rep. Dickenson

02:14:01 **Motion:** Rep. Hendrick moved that **HB 421 BE AMENDED.**
EXHIBIT (sth49a05)

Discussion:

02:14:16 Chairman Himmelberger
02:14:23 Rep. Hendrick
02:15:08 Chairman Himmelberger
02:15:15 Rep. Hendrick
02:15:35 Chairman Himmelberger
02:15:48 Ms. Heffelfinger
02:17:15 Rep. Hendrick

02:17:36 **Vote:** Motion carried 17-1 by voice vote with Rep. Himmelberger voting no. Rep. Belcourt voted by proxy.

02:18:08 **Motion:** Rep. Brown moved that **HB 421 DO PASS AS AMENDED.**

Discussion:

02:18:13 Chairman Himmelberger
02:18:20 Rep. Caferro
02:18:56 Rep. Phillips
02:19:00 Rep. Caferro
02:19:10 Rep. Wilmer
02:19:21 Rep. Caferro
02:20:08 Rep. Phillips
02:20:51 Chairman Himmelberger
02:21:09 Ms. Heffelfinger
02:21:20 Rep. Malek
02:22:11 Rep. Phillips

02:22:52 **Vote:** Motion failed 9-9 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep. Washburn voting aye. Rep. Belcourt voted by proxy.

02:23:59 **Motion/Vote:** Rep. Hendrick moved that **HB 421 BE TABLED.**
Motion carried 15-2 by voice vote with Rep. Bean and
Rep. Brown voting no. Rep. Belcourt's vote was not
recorded.

02:24:26 Chairman Himmelberger

EXECUTIVE ACTION ON HB 590

02:24:32 **Motion:** Rep. Wilmer moved that **HB 590 DO PASS.**

Discussion:

02:24:37 Chairman Himmelberger
02:24:44 Rep. Wilmer
02:27:05 Rep. Hands
02:30:27 Rep. Wilmer
02:30:42 Rep. Caferro
02:31:34 Chairman Himmelberger
02:32:19 Rep. Wilmer
02:32:47 Chairman Himmelberger
02:33:28 Rep. Wilmer
02:33:52 Chairman Himmelberger
02:33:59 Rep. Wilmer
02:34:36 Rep. Boniek
02:35:59 Rep. Malek
02:37:40 Rep. Phillips
02:38:36 Rep. Wilmer

02:40:16 **Vote:** Motion failed 9-9 by roll call vote with Rep.
Belcourt, Rep. Boss Ribs, Rep. Caferro, Rep. Dickenson,
Rep. Hands, Rep. Malek, Rep. Phillips, Rep. Van Dyk,
and Rep. Wilmer voting aye. Rep. Belcourt voted by
proxy.

02:41:21 **Motion/Vote:** Rep. Ingraham moved that **HB 590 BE TABLED.**
Motion failed 9-9 by voice vote with Rep. Bean, Rep.
Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger,
Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep.
Washburn voting aye. Rep. Belcourt voted by proxy.

02:42:22 Chairman Himmelberger
02:43:17 Ms. Heffelfinger
02:43:55 Rep. Brown
02:43:58 Chairman Himmelberger

02:44:12 **Motion:** Rep. Brown moved to **INTRODUCE LC 2311**
requesting that an appropriate interim or statutory
committee be designated to study wildland fire
suppression.

Discussion:

02:44:27 Chairman Himmelberger
02:44:35 Rep. Phillips
02:45:34 Rep. Brown
02:46:20 Rep. Van Dyk
02:46:47 Chairman Himmelberger
02:47:32 Ms. Heffelfinger
02:47:56 Chairman Himmelberger

02:48:03 Rep. Brown withdrew her motion to introduce LC 2311.

02:48:11 Chairman Himmelberger
02:48:45 Rep. Wilmer
02:49:16 Rep. Boniek
02:49:44 Rep. Phillips
02:50:16 Chairman Himmelberger
02:50:41 Rep. Brown
02:50:56 Chairman Himmelberger
02:52:28 Rep. Brown
02:52:38 Rep. Washburn
02:52:46 Chairman Himmelberger

ADJOURNMENT

02:53:14 Adjournment: 11:54 a.m.

Marshall McEwen, Secretary

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Additional Exhibits

EXHIBIT (sth49a06) Testimony on SB 49

EXHIBIT (sth49a07) Unofficial Draft Copy of LC 2311

Additional Documents:

EXHIBIT ([sth49aad.pdf](#))